



CASE 1880

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
HUANG, ET AL.
S.N. 09/882,123
FILED: 15 JUNE 2001
FOR: PREGELATINIZED STARCHES FOR
IMPROVED SNACK PRODUCTS

GROUP ART UNIT: 1761
EXAMINER: TRAN LIEN, THUY

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER RULE 132 (37 C.F.R. §1.132)

Sir:

I, David Huang, a citizen of the United States, currently residing at 14 Krams Trail, Bound Brook, New Jersey declare as follows.

I am familiar with the issues raised in this case.

I graduated from Fu-Jen Catholic University in Taipei, Taiwan in 1975 with a Bachelor of Science degree in Food Science; from Michigan State University in 1979 with a Master of Science degree and in 1982 with a Doctorate degree, both in Food Science; and from Fairleigh Dickenson University in 1990 with a Master of Business Administration.

I have worked in the food industry for twenty-two (22) years, and have extensive expertise in the area of starch and products containing starches.

Since 1994, I have worked at National Starch and Chemical Company. I am currently a Strategic Business Manager in the Food Group, part of the Natural Polymer Group. In this and previous positions at the company, I have identified and developed a number of starches and products containing starches.

I am the inventor of ten (10) U.S. patents or applications and numerous non-US patents and applications. I have published in various trade journals and have presented at trade shows and to the industry. I have also authored two book chapters in the field of starch.

I have been recognized in the food industry with a first place award by the FIE (Food Ingredient Europe) and high honors awards from Food Processing. I was selected as the technical committee member for the China National Food Industry Standard Association and as an advisory committee member for the Taiwan Food Industry Committee.

My experience has provided me with a strong knowledge of various starches and their use in food products. I am a nation-wide starch expert in the fields of cereals, snacks, and bakery.

The experiments below were conducted under my supervision and guidance to demonstrate that the composition of Cremer (US 4,109,024) would not be suitable for making a workable (extensible) dough as claimed in the above-identified application.

Materials

1. A potato blend was made according to Example I of Cremer.
2. The dough of Example 2 of the present application was made.

Testing

Each material was blended for one minute under the same conditions.

Results

The results are shown in the attached photos.

As can be seen, the Cremer formulation forms a crumbly dough which is not extensible or workable. The extension of the dough could not be tested due to its crumbly nature. Further, the dough was not sheetable.

In contrast, the formulation of the present invention resulted in a dough which was extensible and workable, having an extension of about 10.2 which is in the claimed range.

Conclusions-

In view of the experiments, the Cremer formulation does not fall within the claimed dough and food claims and is not suitable to be used in the currently claimed process as it is not extensible.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by a fine or imprisonment or both under 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

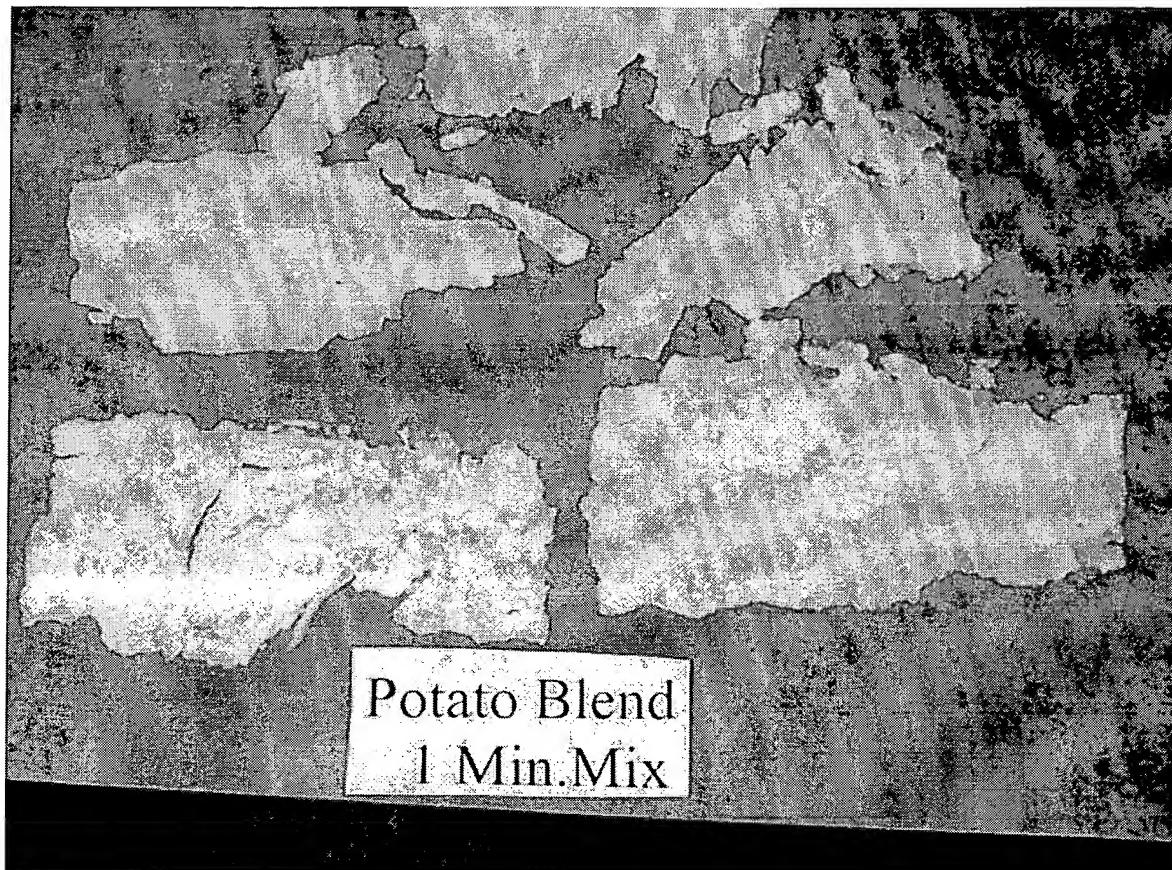
Signed at Bridgewater NJ, this Jan. 31, 2005.
location date

David P. Huang

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Material 1 – Cremer





Material 2 – present invention

